

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LIVE OAK HOLDING, LLC; NAZAR
NAJOR

Plaintiff,

vs.

COUNTY OF SAN DIEGO; COUNTY
BOARD OF SUPERVISORS; DIANNE
JACOB; ERIC GIBSON; STEVEN
MURRAY; PAN ELIAS; LEWIS BALKE;
JACK MILLER; MARK MCPHERSON;
PETER NEUBAUER; THOMAS
MONTGOMERY, ESQ.; BRYAN M.
ZIEGLER, ESQ.; and RODNEY LORANG,

Defendants.

CASE NO. 12cv2902 JM (KSC)

ORDER REMANDING ACTION

On May 13, 2013, the court granted the motion to dismiss brought by Defendants County of San Diego; County Board of Supervisors; Dianne Jacob; Eric Gibson; Steven Murray; Pan Elias; Lewis Balke; Jack Miller; Mark McPherson; Peter Neubauer; Thomas Montgomery, Esq.; Bryan M. Ziegler, Esq.; and Rodney Lorang (“Order”). The Order dismissed the federal claims, declined to reach the state claims until Plaintiffs stated a federal claim in this removed federal question action, and granted Plaintiffs 15 days leave to amend. Plaintiffs have failed to file an amended complaint.


The court sua sponte remands this action for lack of subject matter jurisdiction.

1 The party who invokes federal removal jurisdiction has the burden of demonstrating
2 the existence of federal jurisdiction. See Gaus v. Miles, Inc. 980 F.2d 564, 566 (9th
3 Cir. 1992); B., Inc. v. Miller Brewing Co., 663 F.2d 545 (5th Cir. 1981). Any doubts
4 regarding removal jurisdiction are construed against defendants and in favor of
5 remanding the case to state court. See Gaus, 980 F.2d at 566.

6 As there is no federal claim pending before the court, the court sua sponte
7 remands this action to state court. See 28 U.S.C. §1441(a). The Clerk of Court is
8 instructed to remand this action to state court and to close the file.

9 **IT IS SO ORDERED.**

10 DATED: June 3, 2013

11 
12 Hon. Jeffrey T. Miller
United States District Judge

13 cc: all parties
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